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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,239	12/31/2003	Hyeok-Soo Lee	51876P573	8898
8791	7590	09/07/2004	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			TRAIL, ALLYSON NEEL	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/750,239

**Applicant(s)**

LEE, HYEOK-SOO

**Examiner**

Allyson N Trail

**Art Unit**

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/31/2003</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 1, reference number 10 is not found in the description. Additionally, reference numbers 41 and 22 are also not found in the description of figure 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Lahti (2003/0101246).

Lahti teaches the following in regards to claims 1 and 4:

“When a mobile user wants to utilize new or upgraded services available on the network, the terminal must be configured to use those new services. Configuring a terminal to use a service on a network is generally referred to as “provisioning” the terminal. Provisioning may be performed upon initial setup of a mobile device, or may also be performed to upgrade and/or update services and applications already being used at that mobile device.” (Page 1, paragraph 0008).

“The present invention is directed to a system and method for facilitating mobile terminal access to a particular application available via multiple application servers on a network. The present invention involves providing an application identifier and access parameters via a network server, such as a provisioning server, to a mobile terminal.” (Page 2, paragraph 0011).

“In accordance with another particular embodiment, the provisioning network element includes a portable or device-embedded component, such as a Subscriber Identity Module (SIM), WAP identify module (WIM), or a smart card that stores the provisioning information for transfer to the mobile device.” (Page 2, paragraph 0013).

“The provisioning process which supplies the application ID in accordance with the present invention can take place at any time. For example, the provisioning process may occur in connection with providing a new service to a mobile device, or in connection with upgrading services and applications already being used at that mobile terminal. In other examples, the provisioning process may be a bootstrap provisioning process that occurs upon initial setup of the mobile terminal, or a re-provisioning process to update the provisioning information after the initial bootstrap provisioning.” (Page 3, paragraph 0027).

Lahti explains that the provisioning process may be done at any time, i.e. at the initial set-up of a mobile device or while the mobile device is already in use. Lahti also teaches that a smart card exists, which stores the provisioning information. Therefore it is obvious that when provisioning takes place, the information stored on the smart card is updated with new information.

“The mobile terminals 202 may include any type of wireless computing device. For example, the mobile terminal 202 may represent any of a number of wireless communication devices, such as a wireless/cellular telephone 210, a personal digital assistant (PDA) 212, a notebook or laptop computer 214, or any other type of terminal represented by device 216.” (Page 3, paragraph 0032).

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In regards to claim 4, the user may choose what network set-ups should be entered. See page 4, paragraph 0037, where "pull" technology is discussed.

Lahti teaches the following in regards to claims 2 and 3:

"The system includes a provisioning element to provide one or more provisioning information files. As used herein, files, records, documents, blocks, or other terminology is not intended to connote any particular structure or type of information block, but rather is intended to generically include any type of format used to provide such provisioning information, including merely a sequence of information bytes. At least one of the provisioning files includes an application identifier corresponding to the target application. The provisioning file(s) further includes application access parameters associated with the application identifier, where at least one of the application access parameters includes an application server address of one of the plurality of application servers." (Page 2, paragraph 0013).

"FIG. 5 illustrates an example of a portion of the provisioning content 500 that may be delivered to a mobile terminal in accordance with the present invention. General provisioning information 502 may be provided, which may include identification of the mobile terminal, such as an IP address, a user name, a Mobile Station ISDN/PSTN Number (MSISDN), or any other identification associated with the terminal. The general provisioning information 502 may also include any other information associated with the particular provisioning process." (Page 7, paragraph 0056).

“Push technologies can be used in connection with various protocols and communication technologies. For example, some representative push technologies include WAP Push, Short Message Service (SMS), Multimedia Messaging Service (MMS), Session Initiation Protocol (SIP), as well as others. For purposes of the present example, a WAP environment is assumed.” (Page 4, paragraph 0037).

“The gateway and the mobile device use a special protocol to communicate, such as Push Over-the-Air Protocol. More particularly, a push operation in WAP occurs when a push initiator (PI) transmits content to a client using either the Push Over-the-Air Protocol or the Push Access Protocol. The PI is on a network, such as the Internet, and the WAP client is in the WAP domain.” (Page 4, paragraph 0039).

Lahti teaches the following in regards to claims 5 and 6:

“Using this information, the user agent corresponding to the application ID can identify certain access parameters to facilitate access of the application corresponding to that application ID, as shown at block 708. Among these parameters is a URL or other network address of the application provider, as shown at block 710. For example, a URL can be provided which embeds the hostname, or the actual application server address may be provided for application protocols that do not use URL addressing, such as SMTP, IMAP, etc. In this manner, a particular one of multiple application servers providing the desired application can be targeted as the desired application server.” (Page 7, paragraph 0061).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Tuilier (2003/0189095), Qian (2003/0004934), Dedrick (5,710,884), Schneider (2004/0158741), Jokinen et al (2003/0027581), Meche et al (5,600,708), Herle (2004/0152455), and Larsson (2003/0181197) .

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [[allyson.trail@uspto.gov](mailto:allyson.trail@uspto.gov)].



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*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Allyson N. Trail  
Patent Examiner  
Art Unit 2876  
August 30, 2004

*Jared J. Fureman*  
**JARED J. FUREMAN**  
**PRIMARY EXAMINER**